

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,)
)
)
 Plaintiff,)
)
 vs.) No. 10-03068-01-CR-S-RED
)
)
SHERRY J. ERNST,)
)
)
 Defendant .)

**REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

On November 10, 2010, defendant filed a motion for evaluation pursuant to 18 U.S.C. §§ 4241 and 4242, which was granted by the Court. The evaluation was conducted at the Federal Medical Center, Carswell, and a psychological report was filed with the Court on February 28, 2011. The matter was called for a hearing. The defendant appeared in person and with counsel. There was no evidence presented, other than the report previously mentioned above. The mental health experts at the Federal Medical Center concluded:

“In my professional opinion, Ms. Ernst is presently competent to stand trial. Although she has been diagnosed with substance abuse-related and anxiety and depressive-related disorders by history, these disorders are not compromising her competency to stand trial. She is fully aware of the nature and potential consequences of the pending criminal charges. She is also capable of properly assisting in her defense. As she was receiving medications during the present evaluation, her competency-related abilities are likely to remain stable if she continues her medication regimen.”

It is therefore

RECOMMENDED that the defendant be declared competent to stand trial.

Date: March 31, 2011

/s/ James C. England
**JAMES C. ENGLAND,
UNITED STATES MAGISTRATE JUDGE**

